

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 03/01/2004, having a shortened statutory period for response set to expire 06/01/2004. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Double Patenting

Applicant acknowledges the Office's recitation of the legal status of the non-statutory double patenting rejection.

Claims 1-20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/064,837. Reconsideration and withdrawal of this ground of rejection is requested for the reasons that follow.

Independent claims 1 and 10, as currently amended, can no longer be construed as merely adding a feature absent from the copending application. The elongate slot of the present invention is now recited in both independent claims as currently amended as extending from the upper end of the heel section to an inflection point that is located where a natural arch-simulating concavity meets a natural ball of foot-simulating second convexity. The length of the elongate slot is not merely the routine result of finding an optimal length of the much shorter slot in the copending application. The elongate slot of the present application causes the prosthetic foot of this present application to behave in an entirely different manner than the slot of the copending application which is confined to the heel end of the prosthetic foot.

The slot in the copending application does not extend to said inflection point because the prosthetic foot disclosed in the copending application is substantially different from the prosthetic foot of the present application and the two sets of claims are not obvious in view of one another.

Conclusion

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

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Dated: April 30, 2004

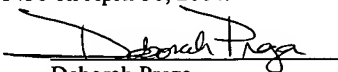
pc: Aldo A. Laghi, Ph. D.

CERTIFICATE OF MAILING

(37 C.F.R. 1.8)

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, Amendments to the Drawing Figures, and Remarks, is being deposited with the United States Postal Service by first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 30, 2004.

Dated: April 30, 2004


Deborah Preza



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